

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the matter of:)	
)	
)	MM Docket No. 99-25
Creation of a Low)	
Power Radio Service)	

**REPLY COMMENTS OF
MAXIE WOLFINBARGER, RGS COMMUNICATIONS, INC.
BILL WOLFINBARGER, RGS COMMUNICATIONS, INC.
WILLIAM SPRY, GM OF WRHX-LP**

IN RESPONSE TO COMMENTS OF PROMETHEUS RADIO PROJECT

Maxie Wolfinbarger is President of RGS Communications, Inc., Bill Wolfinbarger is Vice President. William Spry is both the Technical Consultant and General Manager for WRHX-LP in Richwood, KY. It has only recently come to the attention of the board of directors of RGS Communications, Inc. (licensee of WRHX-LP), that we are facing complete encroachment and displacement due to movement by several full powered stations in Kentucky including one in Midway, KY who has decided that they want a larger piece of the broadcast pie (Docket 05-248). As a result they are seeking FCC approval to raise their wattage to 25KW. Their move will require the FCC to force WIOK-FM in Falmouth, KY to relocate to our frequency of 107.9 which will completely displace us. WIOK is against the move.

The deal, if approved will also displace a second LPFM on 107.5 in Lexington, registered to Calvary Chapel. WRHX-LP is licensed to Richwood, KY. WRHX-LP is Richwood's first and only local radio service. Our 60db contour currently serves 10,931 people. We have been very active in our community including many public appearances within the community by participating in local county fairs, city parades and local church and business activities. We also provide much needed local news and sports and we broadcast all 96

games this summer of our local minor league baseball team, The Florence Freedom, when no other radio station would. The people that live within our community appreciate what we do to serve them and would not want to see their local radio station have to shut down because someone wants an increase in power. Is it worth displacing 2 LPFM stations and causing a local full powered station to jump frequencies because someone wants more? Is that in the public's best interest? We don't want more, we just want to survive.

As a result of the above we would like to file these reply comments.

Contour Overlap Interference Methodology

We are in agreement with Prometheus Radio Project in that the FCC should do everything in their power to keep LPFM's from being lost to communities such as Richwood, KY. There is at least one other frequency that would be available to WRHX-LP to move to in order to keep from being displaced, but only if the FCC would adopt a Contour Overlap Interference Methodology for finding available LPFM frequencies. Should the FCC decide not to adopt Contour Overlap Interference Methodology for new stations we suggest they should absolutely allow LPFM's threatened by displacement to use this method of finding a new frequency to move to rather than killing the station completely causing a loss to its community of license.

It is not in the public interest for the FCC to make the determination that distance separations are easier for them to process. When a LPFM station is facing displacement, it should not matter what method to find a new channel is used. It is in the public interest for the FCC to open all avenues to help find an alternative channel for them. Be it moving farther than the current 5.6 km, perhaps up to 20 km in order to prevent displacement. The FCC's only concern should be to make sure that the LPFM is not interfering with any other radio stations. If there is a frequency available that can be determined by the Contour Overlap Interference Methodology then so be it, that method should be an option in order to avoid displacement. Furthermore, 87.9 should be looked at when all else fails in order to prevent displacement. Most all radio receivers will tune in to 87.9 and the FCC has already approved a handful of Class D station to use this frequency. It should not be any different for LPFM stations, especially those facing displacement.

We further suggest that a LPFM should also be allowed to upgrade their facility to another channel as a full power service, if one is available, without having to compete for the channel with other entities. Such is currently the case with a commercial channel. If the LPFM finds a full powered channel

that they can move to they should be permitted to do so without having to participate in the auction process.

Primary Status

Current FCC rules recognize that if a Full Power station wants to upgrade power or move their tower site and the results may benefit a higher population being served then it is assumed that it is in the public interest. We do not agree. Just because a station proposes to increase its signal or move to a more densely populated area does not necessarily mean that more folks will listen to it. It has been said by some Full Power owners that the LPFM being displaced knew it was a secondary service when they applied for it. The same thing could be said for the Full Power that is wanting to upgrade their facility at the cost of a LPFM service. They should have asked for the maximum when they originally applied for their channel and service. If it means displacing a LPFM it is our opinion that it should be too late for the Full Power to do anything about it. We agree with Prometheus that a LPFM should be able to remain on the air in locations where they operate, especially if the full power did not previously cover that area. LPFM should also be protected from channel allocations for new services that would cause their displacement or increased interference to their broadcast service.

Major Engineering Changes

We are in agreement with Prometheus that LPFM stations facing displacement should be allowed to make MAJOR engineering changes including changing frequencies, installing directional antennas or anything that translators are allowed to do in order to prevent displacement.

Local Origination

We totally disagree with Prometheus in their definition of local programming. They suggest that the FCC should not consider automation as local programming and they suggest that programming aired a second time should not be recognized as local programming.

We remind the FCC how they have already seriously restricted the LPFM service by making it non-commercial and only giving a maximum of 100 watts. It is so very difficult for the long term survival of any LPFM station because it is hard to raise funds to keep stations out of the red and be able to cover operating expenses. It is not wise for the FCC to consider restricting the service further by telling us what kind of equipment we must have for programming. In most cases, a LPFM has to resort to automation because

there are very limited funds available to pay people for their services to produce local programming live.

We respectfully submit these ideas and suggestions and ask the commission to consider them.

Sincerely,

Maxie Wolfinbarger
President
RGS Communications, Inc.

Bill Wolfinbarger
Vice President
RGS Communications, Inc.

William Spry
General Manager, Technical Consultant
WRHX-LP